

ORDINANCE NO. 2007 - 021

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT **CONGRESS/SUMMIT HOTEL (SCA 2006-030)**; MODIFYING PAGE 94 BY CHANGING A 0.16 ACRES PARCEL OF LAND LOCATED ON NORTH OF SUMMIT BLVD, 452 FEET EAST OF CONGRESS AVENUE, FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) TO COMMERCIAL HIGH WITH AN UNDERLYING MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (CH/5); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on August 18, 2006, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendment to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as

1 the governing body of Palm Beach County, conducted a public hearing
2 pursuant to Chapter 163, Part II, Florida Statutes, on October 25,
3 2007, to review the recommendations of the Local Planning Agency and
4 to consider adoption of the amendments; and

5 **WHEREAS**, the Palm Beach County Board of County Commissioners has
6 determined that the amendment complies with all requirements of the
7 Local Government Comprehensive Planning and Land Development
8 Regulation Act.

9 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
10 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

11 **Part I. Amendments to the Future Land Use Atlas of the Land Use**
12 **Element of the 1989 Comprehensive Plan**

13 The following amendment to the Future Land Use Element's Future
14 Land Use Atlas is hereby adopted and is attached to this Ordinance:

15 **A. Future Land Use Atlas page 94** is amended as follows:

16 **Application No.:** Congress/Summit Hotel (SCA 2006-030)

17 **Amendment:** From Medium Residential, 5 units per acre
18 (MR-5) to Commercial High with an
19 underlying Medium Residential, 5 units per
20 acre (CH/5);

21 **General Location:** North of Summit Blvd, 452 feet east of
22 Congress Avenue;

23 **Size:** Approximately 0.16 acres;

24 **Condition:** The 0.16-acre parcel shall only be used for
25 landscaping, drainage, and parking purposes
26 (a parking structure would be allowed)

27 **Part II. Repeal of Laws in Conflict**

28 All local laws and ordinances applying to the unincorporated area
29 of Palm Beach County in conflict with any provision of this ordinance
30 are hereby repealed to the extent of such conflict.

31 **Part III. Severability**

32 If any section, paragraph, sentence, clause, phrase, or word of
33 this Ordinance is for any reason held by the Court to be
34 unconstitutional, inoperative or void, such holding shall not affect
35 the remainder of this Ordinance.

36 **Part IV. Inclusion in the 1989 Comprehensive Plan**

The provisions of this Ordinance shall become and be made a part of the 1989 Palm Beach County Comprehensive Plan. The Sections of the Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

This amendment shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the amendment is in compliance.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 25th day of October, 2007.

ATTEST:

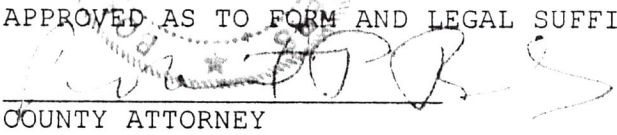
SHARON R. BOCK CLERK

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By:  Deputy Clerk

By:  Addie L. Greene, Chairperson

APPROVED AS TO FORM AND LEGAL SUFFICIENCY


COUNTY ATTORNEY

Filed with the Department of State on the 1st day
of November, 2007.

EXHIBIT 1

Amendment No.: Congress/Summit Hotel (SCA 2006-030)

FLUA Page No.: 94

Amendment: From Medium Residential, 5 units per acre (MR-5) to Commercial High with an underlying Medium Residential, 5 units per acre (CH/5).

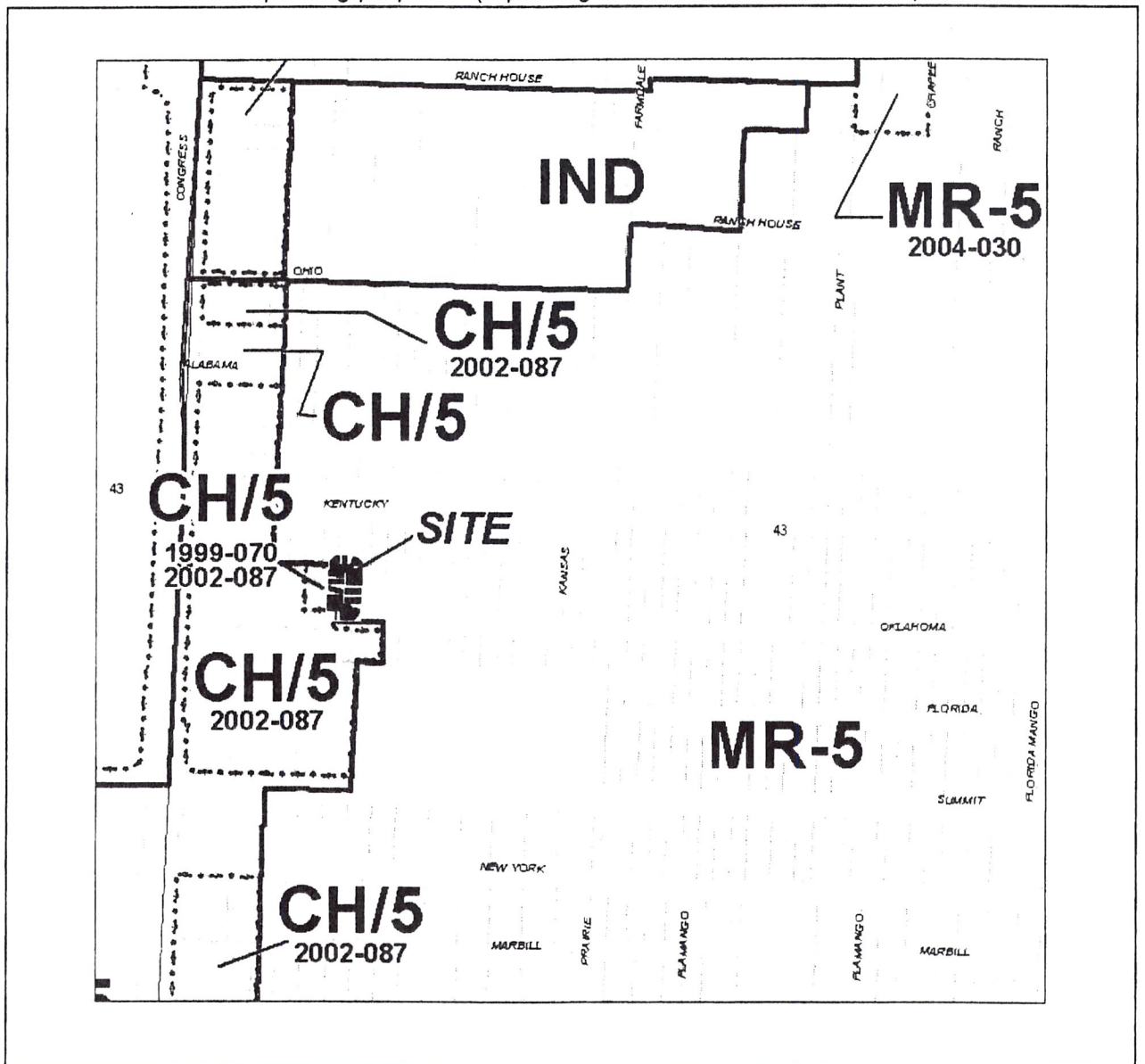
Location: North of Summit Blvd, 452 feet east of Congress Avenue.

Size: Approximately 0.16 acres

Property No.: 00-43-44-05-08-002-0130

Legal Description: See attached

Conditions: The 0.16-acre parcel shall only be used for landscaping, drainage, and parking purposes (a parking structure would be allowed).



Legal Description

PARCEL

LOT 13, BLOCK 2, PALM ACRES ESTATES, ACCORDING TO THE PLAT THEREOF
RECORDED IN PLAT BOOK 20, PAGE 5, OF THE PUBLIC RECORDS OF PALM BEACH
COUNTY, FLORIDA.

CONTAINING 0.16 ACRES, MORE OR LESS

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on October 25, 2007
dated at West Palm Beach, FL on 11/14/07
By: Renee Brown
Deputy Clerk

